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## Desperately Seeking Copyright -- Bridging the Gap Between Respect and Compliance

Edward W. Colleran

*Copyright Clearance Center*, [ecolleran@copyright.com](mailto:ecolleran@copyright.com)

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# Desperately Seeking Copyright — Bridging the Gap Between Respect and Compliance

by **Edward W. Collieran** (Director, Publisher Relations, Copyright Clearance Center) <ecollieran@copyright.com>

Say the words “copyright infringement” and, outside the academic arena, many think immediately of young people slouched in front of their computers, downloading their favorite tunes - aware that their actions are illegal yet blatantly disregarding the law. This practice is so prevalent that a recent advertising campaign actually took aim at those seeking to crack down on teenage copyright violators. Launched by Pepsi during Super Bowl XXXVIII, the campaign offered free, legal downloads from iTunes and featured teenagers who were sued by the Recording Industry Association of America (RIAA) for illegally downloading music via the Internet. While the tune “I Fought the Law” played as background music, a teen held up a Pepsi and declared, “I’m here to announce in front of everyone, we’re still going to download music free off of the internet. And there’s not a thing anyone can do about it.”

Those of us concerned with textual material face a very different situation. Yes, people make illegal print and digital copies of published works every day. But we have good reason to believe that most of these violations stem from misinformation or misunderstanding, and not from willful disregard of the law.

## When Respect Isn’t Enough

Recent research commissioned by Copyright Clearance Center found that “knowledge workers” have a fundamental respect for copyright law and hold it in high regard, at least in the ideal sense. Knowledge workers can be defined as managers, directors, analysts, marketing specialists, engineers, scientists, officers, and others who rely on industry research, newspapers, magazines, or professional journals at least monthly. Most use such sources far more frequently; many rely on them daily.

According to the study, knowledge workers understand and appreciate the objectives of copyright protection: to properly credit authors and publishers and to provide safeguards that encourage creative expression. Unfortunately, the findings also indicate that “respect” may not translate into “compliance.” On a practical level, knowledge workers can’t easily distinguish between protected and unprotected works. Further, many are simply unaware of what reuse is permitted under the terms of their subscriptions. They also describe frequently sharing articles and published works and even converting those works to other formats for their convenience and that of the intended recipients.

In fact, it appears that confusion over format is a major stumbling block to compliance. When asked about their use of digital content vs. hard copy, most respondents made no distinction between the two formats. Furthermore, because it’s common practice to scan printed documents and send them via e-mail, and to print and photocopy information that originated online, it becomes virtually impossible to determine the format (and hence the copyright status) of the source document.

## The Education Solution

The academic community can play an important role in preparing future knowledge workers to fully understand and comply with copyright law. In most cases, the campus setting provides the first exposure to the concept of copyright protection and to its day-to-day applications. If compliance becomes second nature during the college years, that habit will carry over into the business arena.

College and university librarians have long borne the responsibility for copyright compliance on campus. In recent years, that responsibility has been broadened to include copyright education and policy development, especially at institutions seeking to take advantage of the distance-learning uses permitted by the Technology, Education, and Copyright Harmonization (TEACH) Act. Under TEACH, colleges and universities must develop and publicize copyright policies, and inform students that course content may be protected by copyright. What’s more, academic institutions cannot stop at education and awareness. For the first time, developing a policy is not enough. Instead, the institutions must demonstrate that they’ve communicated the policy effectively, and taken steps to ensure the compliance that’s at the heart of TEACH and all U.S. copyright law.

Copyright Clearance Center supports education efforts on- and off-campus with a comprehensive, national program that combines on-site visits, newsletters, online tools and seminars, and other assistance as needed. We reach out to document deliverers, academic institutions, and corporations and offer our expertise in developing compliance guidelines, applying existing guidelines to new formats, sharing information, and keeping content users apprised of changes in copyright legislation.

Our CopyRight! Academic Permissions CD-ROM, for example, features an easy-to-understand tutorial on copyright on campus, explores myths vs. facts, provides an over-



view of compliance solutions, and even offers classroom guidelines. Our “Questions and Answers on Copyright for the Campus Community,” compiled in partnership with the Association of American Publishers, Association of American University Presses, National Association of College Stores, and Software & Information Industry Association, addresses common issues surrounding the copying of print and digital works and of networking software. Our web site, [www.copyright.com](http://www.copyright.com), offers step-by-step assistance in creating a copyright compliance policy and provides links to other helpful copyright resources. All of these services are provided free of charge.

## The Critical Link: The Campus Librarian

Our copyright education efforts are meant to support the librarians’ critical mission and to raise awareness around copyright compliance. Under the librarians’ tutelage, today’s college students - and tomorrow’s knowledge workers - receive their introduction to copyright law and the difficult but necessary balance between sharing ideas and protecting them.

Nowhere else are the benefits of copyright law so apparent, for academia is a significant source of innovation and published works, all of which merit protection. At the same time, few settings offer more potential for collaboration, dissemination of research, and building upon others’ discoveries and accomplishments. The challenge is, and always has been, not just how to rectify these two seemingly contradictory objectives, but how to move the discussion beyond the purely intellectual level and firmly into practice.

Despite the findings of the recent research, the challenge is by no means insurmountable. The key is to lay the foundation for compliance early on, with education and awareness efforts that underscore the need for compliance and the repercussions of infringement. If the academic and corporate communities work together, the lessons learned at college will bear fruit in the business world, and future surveys of knowledge workers will find that “respect” and “compliance” can indeed go hand-in-hand. 🍀